UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

D. D. D. C.)
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE) MDL NO. 1456
LITIGATION) CIVIL ACTION NO. 01-CV-12257-PBS
) Judge Patti B. Saris
THIS DOCUMENT RELATES TO:)
Congress of California Seniors v. Abbott)
Laboratories, et. al., No. 03-CV-10216-PBS)
)

STIPULATION AND ORDER OF DISMISSAL OF DEFENDANT HOFFMANN-LA ROCHE INC.

WHEREAS Hoffmann-La Roche Inc. ("Roche") was named as a defendant when the complaint in *Congress of California Seniors v. Abbott Laboratories, et al.* (the "CCS Action") was originally filed in the Superior Court of the State of California on September 24, 2002; and

WHEREAS the CCS Action was subsequently removed and transferred to this Court and consolidated with MDL Docket Number 1456 (Docket entry 336); and

WHEREAS the Amended Master Consolidated Class Action Complaint in MDL 1456 was dismissed against Roche by the Court on February 24, 2004 (Docket entry 716);

NOW, THEREFORE, it is hereby:

STIPULATED AND AGREED, by and between the undersigned counsel for plaintiff in the CCS Action and counsel for Roche, that the Complaint in the CCS Action be and, subject to the order of the Court, hereby is dismissed as to Roche, each party to bear its own costs.

Dated: March 19, 2004

HAGENS BERMAN LLP

By:__

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Attorney for Defendant Hoffmann-La Roche Inc.

SO ORDERED this _____ day of ______, 2004:

CERTIFICATE OF SERVICE

I, John D. Shakow, hereby certify that a true and correct copy of the foregoing Stipulation and Order of Dismissal of Defendant Hoffmann-La Roche Inc. was served upon all counsel of record via Verilaw on March 19, 2004.

ohn D. Shakow